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8 Attorneys for Complainant

9 **BEFORE THE**
RESPIRATORY CARE BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

Case No. S-372

12
13 KHRISTOPHER R. MIDDAUGH
4732 Fairhope Drive
14 La Mirada, California 90638

OAH No. 2007030780

**STIPULATED SETTLEMENT
AND AGREEMENT**

15
16 Respondent.
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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Stephanie Nunez (Complainant) is the Executive Officer of the
23 Respiratory Care Board of California. She brought this action solely in her official capacity and
24 is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
25 California, by Wendy Widlus, Deputy Attorney General.

26 2. Respondent Khristopher R. Middaugh (Respondent) is representing
27 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about April 27, 2006, Respondent filed an application dated March 3, 2006, with the Respiratory Care Board of California to obtain a Respiratory Care Practitioner license.

JURISDICTION

4. Statement of Issues No. S-372 was filed before the Respiratory Care Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on February 21, 2007. Respondent timely filed his Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. S-372 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. S-372. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Agreement.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Statement of Issues No. S-372, if proven at a hearing, constitute cause for denying his application for a Respiratory Care Practitioner license.

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1 9. For the purpose of resolving the Statement of Issues without the expense
2 and uncertainty of further proceedings, Respondent agrees that, at a hearing Complainant could
3 establish a factual basis for the charges in the Statement of Issues;

4 WITHDRAWAL OF APPLICATION, STATEMENT OF ISSUES,

5 AND NOTICE OF DEFENSE

6 10. Respondent hereby withdraws his application for licensure, dated April 27,
7 2006;

8 11. Complainant withdraws the Statement of Issues, filed February 21, 2007;

9 12. Respondent hereby withdraws his notice of defense in Statement of Issues
10 Case No. S-372;

11 13. In exchange for the Board permitting and accepting Respondent's
12 withdrawal of his application for licensure, Respondent agrees not to reapply for licensure as a
13 Respiratory Care Practitioner in California for at least three years after the effective date of this
14 stipulation. Respondent agrees any application he submits for licensure as a Respiratory Care
15 Practitioner in California prior to three years after the effective date of this stipulation will not be
16 accepted or considered by the Board.

17 COST RECOVERY

18 14. To date, Complainant has incurred the sum of \$4,916.50 as costs of
19 investigation of the Statement of Issues. In exchange for the Board permitting and accepting
20 Respondent's withdrawal of his application for licensure, Respondent agrees he can only reapply
21 for licensure as a Respiratory Care Practitioner in California after this amount (\$4,916.50) has
22 been paid in full to the Respiratory Care Board. If this amount is paid prior to the three year
23 period referred to in paragraph 13 above, it will not shorten the three year waiting period required
24 to elapse before Respondent may reapply for licensure as a Respiratory Care Practitioner in
25 California.

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ENDORSEMENT

The foregoing Stipulated Settlement is hereby respectfully submitted for consideration by the Respiratory Care Board of California, Department of Consumer Affairs.

DATED: May 29, 2007.

EDMUND G. BROWN JR.,
Attorney General of the State of California

PAUL C. AMENT
Supervising Deputy Attorney General

Original signed by:
WENDY WIDLUS
Deputy Attorney General

Attorneys for Complainant

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**BEFORE THE
RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

KHRISTOPHER R. MIDDAUGH
4732 Fairhope Drive
La Mirada, California 90638

Case No. S-372

OAH No. 2007030780

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Agreement is hereby adopted by the
Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in this
matter.

This Decision shall become effective on July 26, 2007.

It is so ORDERED July 11, 2007.

Original signed by:
LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA